

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03- 437 -A
)	
TADDEO BARCHITTA,)	
Defendant.)	

STATEMENT OF FACTS

____Were this matter to go to trial, the United States would prove the following facts with competent evidence. ____

1. On May 19, 2003, TADDEO BARCHITTA entered a pawnshop in Fairfax County, in the Eastern District of Virginia, displaying color photographs of eight Incan artifacts that he wanted to sell. The pawnshop did not show interest in selling the items, however BARCHITTA left the color photographs with his name and telephone number, which the pawnshop owner passed to law enforcement officials.

2. Between May 22-30, 2003, an ICE undercover agent (UCA) spoke and met with BARCHITTA to finalize the sale of twenty-nine (29) Pre-Columbian, Incan, and Peruvian artifacts. BARCHITTA also told the UCA that he knew the artifacts were Peruvian, from Sipan, an area of Peru. BARCHITTA said that the deal would need to be done in cash and would only sell without a receipt. BARCHITTA stated that this thing (conversation) through the telephone was a bit dangerous. BARCHITTA said that "these things

we need to handle in the most tranquil way. Let's say the most secretive as possible." BARCHITTA did not approve of photos being taken.

3. BARCHITTA explained that most of the pieces were more than 700 years old. BARCHITTA described photographs one and two as being decapitators and said number two was of the man of Sipan in Peru. BARCHITTA provided a price list. On the top of the price list was the word "SIPAN" which listed items with a combined sales price of \$174,570.

4. The transaction was completed and BARCHITTA failed to collect the appropriate state sales tax or provide a receipt as required by the §58.1-612,625,636, Code of Virginia, 1950 as amended. BARCHITTA also failed to provide the appropriate sales receipt as required by the §59.1-21.4, Code of Virginia, 1950 as amended. BARCHITTA did not have proper title or authority to transfer ownership through the sale of these items in violation of the Virginia Consumer Protection Act found at §59.1-196 et seq., Code of Virginia, 1950 as amended.

5. Dr. Abelardo Sandoval, an expert on Peruvian and Incan culture from the Smithsonian Institution, authenticated 21 of 28 items as pre-Columbian/Inca artifacts over 100 years old at the scene. According to the State Department and Peruvian Embassy officials, the Peruvian Decree Law #6634 on the conservation of monuments and artifacts states that Incan cultural

resources/artifacts are national property of the Peruvian government, which can not be owned by private individuals if acquired after June 13, 1930.

6. The defendant, TADDEO BARCHITTA, admits that he knowingly used deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction in violation of §59.1-196 et seq., Code of Virginia, 1950 as amended, and that he knowingly and unlawfully committed the acts described above and not by accident or mistake, or other innocent reason.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:

Dennis M. Kennedy
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, TADDEO BARCHITTA and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

TADDEO BARCHITTA
Defendant

I am TADDEO BARCHITTA'S attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Jeremy Kamens
Assistant Federal Public Defender
Attorney for TADDEO BARCHITTA